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SUBJECT: GEORGIA: CONSTITUTIONAL COMMISSION ANNOUNCED

Classified By: Ambassador John Tefft for reasons 1.4 (b,d).

11. (C) Summary/Comment: Speaker David Bakradze announced the creation of a Commission of Constitutional Reforms (Commission) June 3. As announced, the Commission will have a diverse composition, including representatives from the government, all willing political parties, representatives from Abkhazia and South Ossetia, as well as experts and academics. President Saakashvili appointed Avtandil Demetrashvili, a former President of the Constitutional Court, as the Commission's chairman. A timetable has not been established for submitting recommendations, but some are optimistic that the Commission's work could be completed by the end of the year or earlier. Speaker Bakradze told the Ambassador that the Government had initially hoped that the non-parliamentary opposition would introduce the idea of the commission and be a part of it, but after weeks of waiting, the Government believed that it had to move forward. Thus far, the non-parliamentary opposition has refused to participate in the Commission. Nevertheless, with the announcement of the Commission and its makeup, the GoG seems poised to make good on its promise to continue its reform agenda with or without the participation of the non-parliamentary opposition. Bakradze predicted that the entire process of amending the constitution could take at least a year, if not 18 months, and might include a plebiscite as part of the process. End Summary/Comment.

Commission Plans Announced

12. (U) On June 3, 2009, Speaker David Bakradze announced the creation of the Commission of Constitutional reforms. The Commission will draw representatives from five key sectors: one representative from each of the political parties willing to join the Commission; a group of experts and academics; representatives from the Tbilisi-based Abkhaz government-in-exile, the provisional administration of South Ossetia and the Ajara Autonomous Republic; representatives from state institutions (including the President's office and Parliament); and representatives from NGO's. Parliamentary opposition party, the Christian Democrats, nominated Avtandil Demetrashvili as the Commission's chairman, and he has been accepted. CDM party leader Giorgi Targamadze told Poloff that he proposed Demetrashvili because he was politically unaffiliated and had no personal political agenda to pursue; was acceptable to virtually all political parties; and, having served as the President of the Constitutional Court from 1996-2001, was well-versed in general constitutional issues. An exact timeframe for the Commission's work is not yet clear. Targamadze commented that the Commission planned to table a draft of the Constitution before December 31, 2009.

13. (U) The list of experts and academics was also released as a part of the June 3 announcement, and includes 25 individuals: Levan Aleksidze, professor at Tbilisi State University (TSU); Davit Aprasidze, professor at Ilia Chavchavadze University; Zaza Bibilashvili, lawyer; Marina Garishvili, associated professor, lawyer; Gia Getsadze, legal expert; Vasil Gonashvili, legal expert; Tornike Gordadze, doctor of political sciences; Zurab Davitashvili, doctor of political sciences; Davit Dolidze, legal expert; Giorgi

Kakhiani, assistant professor at TSU; Giorgi Kverenchkhiladze, assistant professor at TSU; Mzia Lekveishvili, professor at TSU; Malkhaz Matsaberidze, professor at TSU; former Minister of Education Professor Dr. Ghia Nodia, director of International School of Caucasus Studies; Alexander Rondeli, president of the Georgian QStudies; Alexander Rondeli, president of the Georgian Foundation for Strategic and International Studies; Zaza Rukhadze, legal expert; Iakob Putkaradze, professor of Constitutional law; Ketevan Kokrashvili, legal expert; Soso Tsintsadze, professor; Kakhi Kurashvili, doctor of law; Nana Chigladze, doctor of law; Vakhtang Khmaladze, expert in Constitutional law; Zurab Jibashvili, from TSU; Giorgi Khutsishvili, professor at University of Georgia; Zaza Namoradze, director of the Budapest Office of the Justice Initiative, overseeing programs on legal capacity development and legal aid reform.

Non-Parliamentary Opposition Largely Quiet - Participation Unlikely

14. (C) During a June 10 meeting with visiting EUR A/S Gordon, Speaker Bakradze said that the Government had initially asked the leaders of the non-parliamentary opposition to propose the idea of the constitutional commission, and that the Government had been prepared to accept the idea and create it along the lines proposed by the non-parliamentary opposition. According to Bakradze, the Government waited for several weeks for a response to the proposal, and then gave up on the non-parliamentary opposition and created it themselves. At this point, none of the non-parliamentary leaders or parties have agreed to participate. Only ex-Prime Minister Zurab Noghaideli

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(Movement for Fair Georgia) has expressed a willingness to participate and commenting on the timeframe, stated that it is possible to finish work on a draft by the end of the summer. He qualified his party's potential involvement saying they would only join if the Commission is not used by the authorities as a tool for dragging out the reform process.
TEFFT